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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,662	08/22/2003	Almantas Galvanauskas	A8640	8431

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

MOSKOWITZ, NELSON

ART UNIT PAPER NUMBER

3663

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,662	Applicant(s) GALVANAUSKAS ET AL.	
	Examiner Nelson Moskowitz	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1,4-7 and 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,8 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3662


- 1) This action is in response to Applicant's letter received December 19, 2003. The amendments have been entered and the arguments of record have been considered.
- 2) The text of those sections of title 35 U.S. code not included in this action can be found in a prior Office action.
- 3) Claims 1, 4-7, and 9-11 remain withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to nonelected inventions presented in parent file 09/317,221, and herein all the claims are substantially the same as they are in the parent case. .
- 4) Claims 2, 3, 8 and 12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lawrence et al. See, inter alia, column 8, lines 43-57. Applicant's argument that this reference fails to provide gain guiding, is in error. The signal of this reference is in a single mode and a single mode of a multi-core fiber is excited. The pump overlays the signal and thus must provide gain guiding. While Applicant's disclosure presents another manner of gain guiding, this does not negate the mode guiding disclosed by Lawrence et al.

Applicant's argument that the Lawrence et al reference is mischaracterized or leads one to draw conclusions which are untrue, and is not applicable to amplifiers, is not cogent. The Lawrence patent's disclosure teaches what it explicitly describes(apologies to Yogi Bera). Mere argument that the underlying reference is not relevant fails to consider Lawrence et al a whole. This patent discloses operation in a clad fiber with a doped core with overlaid signal and pump radiation. Thus, the disclosure of Lawrence et al meets the broadly claimed invention.

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4) Claims 2, 3, 8 and 12 are also rejected under 35 U.S.C. 102(e) as being clearly anticipated by Valentin et al. The arguments presented in section 3 above are incorporated herein by reference. Applicant's asserts that Valentin confuses the topic by referring the cladding as multimode core. Again, when this reference is considered as a whole, one skilled in the art is not confused, and the claimed invention is disclosed by this reference.

5) Page 6 of Applicant's most recent amendment repeats claims 9-12. This repetition is objected to and correction is required



NELSON MOSKOWITZ
PRIMARY EXAMINER